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BY ECF

Hon. Naomi R. Buchwald
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Raji Wilson v. City of New York, et al., 18-CV-08179 (NRB)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney assigned to the defense of the above-referenced matter. Defendant City of New York respectfully requests a 30-day extension of time, from December 10th, 2018 to January 9th, 2019, to answer, move or otherwise respond to the complaint. Plaintiff's counsel has kindly consented to this request. This is defendant City's second request for such an extension, and this extension does not affect any other scheduled dates in this matter. Defendant City's first request was granted on October 25th, 2018. *See* Docket Entry No. 19.

The reason for the second requested enlargement of time is to give this office the opportunity to continue to investigate the multiple allegations in the complaint in accordance with our obligations under Rule 11 of the Federal Rules of Civil Procedure. The extension should allow time for this office to identify officers involved in the two alleged incidents and determine, pursuant to Section 50-k of the New York General Municipal Law and based on a review of the facts of the case, whether we may represent any officers who may have had any involvement in the alleged incident and are either named as defendants currently, or may become named as defendants moving forward in this matter. *See Mercurio v. City of New York*, 758 F.2d 862, 854-65 (2d Cir. 1985) (quoting *Williams v. City of New York*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985)) (decision to represent individual defendants is made by the Corporation Counsel as

set forth in state law). Defendant City has yet to speak with each of the individually named defendant corrections officers, given scheduling conflicts and the officers' various unavailabilities throughout the month of November and to date. Therefore, this Office will not be able to conduct an inquiry to determine whether it will represent each individual defendant and potentially interpose an answer on their behalf in advance of the current deadline.

In light of the above, defendant City respectfully requests that the Court grant defendant City a 30-day extension of time, from December 10th, 2018 to January 9th, 2019, to answer, move, or otherwise respond to the complaint. Additionally, given the time involved in determining the representation of multiple corrections officers, and in the interest of judicial economy, we would hope that the Court may, *sua sponte*, extend the time to answer on behalf of all defendants including Officer Carnes and Officer Smith.

Defendant City thanks the Court for its time and consideration of the within request.

Respectfully submitted,

/s/

Frank A. DeLuccia
Assistant Corporation Counsel

FAD/m

cc: Jonathan A. Fink, Esq. (by ECF)
Brian L. Bromberg, Esq. (by ECF)